

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In Re: Overby-Seawell Company Customer  
Data Security Breach Litigation

Case No.  
1:23-md-003056-SDG

**CASE MANAGEMENT ORDER NO. 2**

**1. Final Approval Hearing Concerning Proposed Fulton Bank Settlement**

The Court previously set a Final Approval Hearing concerning the proposed class action settlement with Fulton Bank, N.A. for **September 6, 2023, at 2:00 pm EST**, at the Richard B. Russell Federal Building and United States Courthouse, Northern District of Georgia, 2211 U.S. Courthouse, 75 Ted Turner Drive SW, Atlanta, GA 30303, Courtroom 1706 [ECF 88]. Counsel wishing to make an appearance during the hearing must be in person. Counsel of record for the parties are hereby granted leave to bring their electronic devices into the courthouse and courtroom for use during the hearing. The devices include cellular phones, tablets, and laptop computers. Counsel must bring a hard copy of this Order with them to show Court Security Officers during entry, as necessary. This Order is effective September 6, 2023, until the conclusion of the hearing.

Persons wishing to only observe the hearing may attend in person or by remote means. Instructions for appearing by remote means are as follows:

<https://ganduscourts.zoomgov.com/j/1615240488>

Meeting ID: 161 524 0488

Passcode: 722592

The issues the Court will consider during the Final Approval Hearing are set forth in its previous order [ECF 88, ¶ 7]. Towards that end, the Court will hear the parties' respective positions on pending motions relating to final approval of the class action settlement with Fulton Bank, specifically ECFs 93, 96, and 97. Any party opposing one or more of these motions must file a written response on or before **September 1, 2023**. Replies, if any, are due on or before **September 5, 2023**.

**2. Motion for Appointment of Interim Class Counsel**

The Court will also hear the parties' respective positions on the pending Motion for Appointment of Interim Class Counsel [ECF 95]. Any party opposing this motion must file a written response on or before **September 1, 2023**. A Reply, if any, is due on or before **September 5, 2023**.

**3. Additional Discussion Items**


Additional discussion items the Court will take up during the hearing include:

- (1) Whether Defendants intend to file a Rule 12 motion or answer the First Amended Complaint [ECF 90], and confirm their deadline to do so by September 12, 2023, as well as set out a briefing schedule for any Rule 12 motion if necessary;

- (2) Discuss the parties' efforts to preserve and prepare discovery for production;
- (3) Discuss the status of settlement discussions and any ongoing mediation efforts, as well as the utility of scheduling periodic status conferences with the Court.

The parties are **ORDERED** to promptly confer and determine whether there are any additional items they wish to address during this hearing. If so, the parties are **ORDERED** to file a **consolidated** notice of proposed agenda items on or before **September 1, 2023**. The notice need not take any particular form, but shall indicate areas of agreement or stipulation by the parties, as well as highlight issues that require resolution by the Court during the conference. Additional case management orders that are proposed by one or more of the parties may be attached as exhibits to this notice.

**Entered** this 28th day of August, 2023.

  
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Steven D. Grimberg  
United States District Judge